

**MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM**

**January 18, 2002
9:00 AM**

Present: Appointed Members: Caleb Faux, Terry Hankner, Donald Mooney, Peter Witte; City Council Representative: Jim Tarbell; City Planning Staff: Director Liz Blume and Steven Kurtz, Administrator, Land Use Management.

The meeting was called to order by Chairman Don Mooney.

MINUTES

The minutes of the January 4, 2002, City Planning Commission (CPC) meeting were presented for consideration.

Motion: Ms. Hankner moved approval of the minutes.

Second: Mr. Witte

Vote: All ayes (4-0).

**SUBDIVISION IMPROVEMENT PLAN FOR HERRON HERITAGE HOMES
LOCATED ON HERRON AVENUE IN SOUTH CUMMINSVILLE**

Action requested: Authorize the development of Herron Heritage Homes Subdivision to proceed.

-- Mr. Faux entered the meeting. --

Presented by Senior City Planner Ed Mangold, the staff report indicated the Subdivision Improvement Plan (SIP) for Herron Heritage Homes was submitted by B. L. Payne and Associates on behalf of Working In Neighborhoods, Inc. The subdivision is 4.42 acres in size and zoned the R-3 Two-Family District that requires single-family lots to contain 5,000 square feet. The site is located on both sides of Herron Avenue north of Dreman Avenue, and at the terminus of the south portion of the street. The plans also include improvement of Herron Avenue, from Powers Avenue to the south terminus of the north portion. The subdivision will create 25 lots for single-family development. Lot 26 will eventually be deeded to the City, as it encompasses the 40-foot easement for the West Fork Channel. Staff recommends approval.

Motion: Ms. Hankner moved approval of the SIP for Herron Heritage Homes.

Second: Mr. Mooney

Vote: Motion was unanimously approved (5-0).

PROPOSED ZONE CHANGE FOR PROPERTY LOCATED AT 3710 PAXTON AVENUE IN OAKLEY

Action requested: 1. Approve a zone change from B-3 Retail-Wholesale Business District to B-4 General Business District for the property located at 3710 Paxton Avenue in Oakley. 2. Require re-platting of the two existing lots to meet Zoning Code requirements, accommodate the proposed gasoline facility, and to clearly delineate the zone district boundary between the B-4 General Business District and the B-3 Retail-Wholesale Business District prior to the effective rezoning of the property.

Senior City Planner David Efland presented the staff report. The 0.9-acre site consists of a structure containing a vacant restaurant, medical office and small retail stores with small parking areas located at the edges of the lot. To the east of the site is an existing parking area, followed by the Hyde Park Plaza Shopping Center and the existing Kroger store. The site is currently zoned B-3 Retail-Wholesale Business District, which extends to the east, onto the Hyde Park Plaza property to about the front of the existing Kroger store. The Plaza itself is situated in the Oakley community and is predominantly zoned B-4 General Business District. The proposed redevelopment is for a Kroger gas station (without a convenience store), similar to others they have been introducing in the tri-state area. Proposed are a total of sixteen pumps with landscaping, recessed lighting, and one ground sign.

The Oakley Community Council and Kroger have held several meetings regarding the proposed redevelopment of the site. Oakley and Kroger have entered into a restrictive covenant regarding the future uses of the property, as well as addressing other site concerns including the potential for increased traffic, lighting, signs, building design, and landscaping. The restrictive covenant runs with the land, rather than the particular use or owner; since it exists only between the community and Kroger, enforcement of the covenant will be a private, civil matter.

Staff recommends approval.

PROPONENTS

Anne McBride (McBride Dale Clarion, 5725 Dragon Way, #220, 45227), representing Kroger, stated there had been a number of meetings with both the Oakley and Hyde Park Community Councils. After describing the negotiating process that led to the establishment of the restrictive covenant, she urged the CPC to approve the zone change; she believes it will provide an environment that will benefit both the community and her client. Ms. Christy Snelling was also present to answer questions on behalf of Kroger.

Jon Doucleff (3314 Alicemont, 45209), Land Use & Zoning Chairman for the Oakley Community Council, stated he is very comfortable with the agreement praised Kroger for agreeing to a further concession, even after negotiations were closed. The Community Council supports the zone change, as requested.

OPPONENTS

Gary Wullenweber (1330 Edwards Road, 45208), Zoning Chairman of the Hyde Park Neighborhood Council, does not oppose the Kroger proposal, but is troubled that the covenant does not include restrictions in its text that address certain site development issues. He is also concerned that there is no stated means of enforcement, beyond filing a civil lawsuit.

John Buturain (3053 Portsmouth Avenue, 45208) presented four letters from Portsmouth Avenue residents who oppose the zone change: one from himself and three from neighboring property owners. They are concerned about noise, lighting, fumes, and extended hours of operation.

Joe Schnirring (3040 Portsmouth Avenue, 45208) said there was not a need for another gas station in the community, as there were plenty already, and he would be disappointed to see a prime parcel used for that purpose.

Nicholas Strauss (3060 Portsmouth, 45208) opposes the zone change because of the additional traffic it will create. He believes that if such a facility is established, it will decrease property values of the homes on Portsmouth.

In answer to Mr. Tarbell's questions regarding screening, Mr. Efland discussed the topography of the land and how it will provide natural screening, as the proposed facility will sit 20 to 30 feet lower than the rear of the properties which face on Portsmouth.

Motion: Ms. Hankner moved approval of the actions requested in the staff report.

Second: Mr. Tarbell

Vote: Motion was approved, 3-2 (ayes: Faux, Hankner, Tarbell; nays: Mooney, Witte).

PROPOSED ZONE CHANGE AT 1560 MADISON ROAD IN EAST WALNUT HILLS

Actions requested: 1. Approve a zone change from O-1 Suburban High-Density Office District and B-2 Community Business District to B-3 Retail-Wholesale Business District located at 1560 Madison Road and approximately 1.14 acres. 2. Approve a zone change form B-2 Community Business District to B-3 Retail-Wholesale

Business District located at 1528-1536 Madison Road and approximately 5,300 square feet.

The staff report was presented by Senior Planner David Efland, who stated the site under consideration currently has two existing structures. The structure on the northeast corner of the site (Chapel Street and Woodburn Avenue) is a three-story, mixed-use building and small garage, which will be demolished to provide space for the proposed project. The property is proposed to be redeveloped as a two-story parking garage, connected to two mixed-use buildings containing about 14,500 square feet of retail, and 47 residential units. The building on the Woodburn Avenue and Madison Road corner will be five stories, and will wrap around the corner, connected by a second- and third-story portal. It will contain 9,500 square feet of at-grade retail space and 29 residential units. The west building will contain about 5,000 square feet of at-grade retail space and 18 residential units. Both the East Walnut Hills Assembly and the DeSales Corner Business Group have written letters stating they favor the proposed zone change.

The proposal does not include the one-story structure located at 1528-1536 Madison Road . This lot is approximately 5,300 square feet in size. Staff believes that leaving a small, one-lot portion of B-2 zoning on the north side of Madison Road is not consistent with the preferred practice of zoning similar contiguous land uses in the same district. It also potentially invites variance requests or another zone change in the future. Including this property in the change to B-3 would not damage the property owner in any way, as the existing B-2 zoning is more restrictive than B-3. Finally, including this property would set the B-3 district boundary along the centerline of a street (Madison Road), creating a preferred and distinct boundary between zoning districts. Staff recommends approval.

PROPONENT

Ken Segal (1433 East McMillan, 45206) restated the level of community support for the project and urged the CPC to support the needed zone changes. He also emphasized that parking associated with the project will be available for neighborhood uses.

OPPONENT

Hal Franke (537 East Pete Rose Way, 45202), representing Doris Lawrence Lewis (3977 Clifton Avenue, 45220), stated her desire to leave her zoning as is. Ms. Lewis objects to the proximity of the zone change to her property; she does not wish to have the sunlight blocked from her building

Motion: Mr. Tarbell moved to approve the zone changes, as captioned in the staff report.

Second: Mr. Faux

Vote: Motion was unanimously approved (5-0).

ADJOURNMENT

There being no further business to consider, the meeting was adjourned.

Elizabeth A. Blume, Director
City Planning Department

Donald J. Mooney, Chairman
City Planning Commission

Date: _____

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